

1 MCGREGOR W. SCOTT
United States Attorney
2 MARY L. GRAD
Assistant U.S. Attorney
3 501 I Street, Suite 10-100
Sacramento, California 95814
4 Telephone: (916) 554-2763
5
6
7

8 IN THE UNITED STATES DISTRICT COURT FOR THE
9 EASTERN DISTRICT OF CALIFORNIA
10

11 UNITED STATES OF AMERICA,) CR. NO. S-05-113-LKK
12 Plaintiff,) FINAL ORDER OF FORFEITURE
13 v.)
14 SERGIO CURIEL, SR., and)
15 CELINA CURIEL,)
16 Defendants.)

17 WHEREAS, on November 2, 2006, this Court entered a Preliminary
18 Order of Forfeiture pursuant to the provisions of 21 U.S.C. § 853(a)
19 based upon the plea agreements entered into between plaintiff and
20 defendants Sergio Curiel, Sr. and Celina Curiel forfeiting to the
21 United States the following property:

22 a) Real property located at 2249 Somerset Drive,
23 Stockton, CA, APN: 171-280-41, and more fully described in
Exhibit A attached hereto;

24 b) Real property located at 451 W. 9th Street, Stockton,
25 CA, APN: 165-183-19, and more fully described in Exhibit B
attached hereto;

26 c) Approximately \$138,000.00 in U.S. Currency seized on
27 or about March 10, 2005 from Bank of Stockton Safe Deposit
Box #289;

28 d) Approximately \$75,000.00 in U.S. Currency seized from

1 a PT Cruiser, California License Number 5KAV268 at the
2 residence located at 2249 Somerset Avenue, Stockton,
California on or about March 10, 2005, and

3 e) Approximately \$923.00 in U.S. Currency seized from the
4 residence located at 2217 Somerset Drive, Stockton,
California on or about March 10, 2005.

5 AND WHEREAS, on December 13, 20, and 27, 2006, the United
6 States published notification of the Court's Preliminary Order of
7 Forfeiture in the Stockton Record (San Joaquin County), a newspaper
8 of general circulation located in the county in which the above-
9 described properties are located or were seized. Said published
10 notice advised all third parties of their right to petition the
11 court within thirty (30) days of the publication date for a hearing
12 to adjudicate the validity of their alleged legal interest in the
13 forfeited properties;

14 AND WHEREAS, the United States sent direct written notice by
15 certified mail to Lloyd St. Mary, Bobbie Jean St. Mary, and Teresa
16 Isordia Sandoval;

17 AND WHEREAS, on or about December 2, 2006, Lloyd St. Mary and
18 Bobbie Jean St. Mary filed a Petition For Ancillary Hearing
19 regarding the real property located at 451 W. 9th Street, Stockton,
20 CA, APN: 165-183-19, as lien holders of the property.

21 AND WHEREAS, the Court has been advised that no other third
22 party has filed a claim to the subject properties, and the time for
23 any person or entity to file a claim has expired.

24 Accordingly, it is hereby ORDERED and ADJUDGED:

25 1. A Final Order of Forfeiture shall be entered forfeiting to
26 the United States of America all right, title, and interest in the
27 above-listed properties pursuant to 21 U.S.C. § 853(a), to be
28 disposed of according to law, including all right, title, and

1 interest of Sergio Curiel, Sr. and Celina Curiel.

2 2. Pursuant to the Stipulation for Expedited Settlement
3 approved by the Court on or about February 21, 2007, regarding the
4 real property located at 451 W. 9th Street, Stockton, CA, APN: 165-
5 183-19 (hereafter "the Property"), upon entry of this Final Order of
6 Forfeiture forfeiting the Property to the United States and sale of
7 the Property, the U.S. Marshals Service shall pay Lloyd St. Mary and
8 Bobbie Jean St. Mary from the proceeds of the sale, after payment of
9 outstanding taxes and expenses incurred by the U.S. Marshals Service
10 in connection with its custody and sale of the Property, the
11 following:

12 a. All unpaid principal due to the petitioners
13 under the Deed of Trust recorded in San Joaquin
14 County, California, as instrument number
15 95029540, and dated March 30, 1995 and recorded
16 on March 31, 1995. Said Deed of Trust secured
17 an Installment Note in the original amount of
18 \$50,000.00 dated March 30, 1995. As of November
19 6, 2006, the principal balance due and owing on
20 the Note was \$24,039.92, together with accrued
21 interest, including, but not limited to,
22 insurance premiums and property taxes, if any,
23 advanced under the terms of the Deed of Trust.

24 b. All unpaid interest at the contractual base rate (not
25 the default rate) under the above Note, secured by
26 the Deed of Trust, as of October 1, 2006, interest is
27 9% per annum, until the date of payment.

28 c. Reasonable attorney's fees not to exceed \$2,000.00.

1 d. A total fee of not more than \$200 to process a
2 beneficiary demand statement and to record a
3 reconveyance of the Deed of Trust.

4 e. The exact amount to be paid to Lloyd St. Mary and
5 Bobbie Jean St. Mary shall be determined at the time
6 of payment, but shall not be less than the amounts
7 set forth above.

8 3. Payment to petitioners Lloyd St. Mary and Bobbie Jean St.
9 Mary shall be in full settlement and satisfaction of all claims by
10 Lloyd St. Mary and Bobbie Jean St. Mary to the Property indicted by
11 the United States on or about March 17, 2005, and of all claims
12 arising from and relating to the seizure, detention, and forfeiture
13 of the Property. The payment to Lloyd St. Mary and Bobbie Jean St.
14 Mary shall not include any penalty payments, including any
15 prepayment penalties.

16 4. All right, title, and interest in the above-described
17 properties shall vest solely in the name of the United States of
18 America.

19 5. The U.S. Marshals Service shall maintain custody of and
20 control over the subject properties until they are disposed of
21 according to law.

22 6. Within forty-five days of entry of this Final Order of
23 Forfeiture forfeiting the above-listed properties, the United States
24 will release the Restraining Order on the Bank of Stockton bank
25 account numbers 21-07567-0-00 and 23-17177-4-00, and the U.S.

26 ///

27 ///

28 ///

1 Marshals Service will return the Man's 18K Rolex Oyster Watch to
2 defendants.

3 SO ORDERED THIS 5th day of June, 2007.
4
5


6
7 
8 LAWRENCE K. KARLTON
9 SENIOR JUDGE
10 UNITED STATES DISTRICT COURT
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

EXHIBIT A

PROPERTY DESCRIPTION
(2249 Somerset Drive, San Joaquin County, Stockton, California)

LOT 31, TRACT NO. 908, MONTCLAIR TERRACE, UNIT NO. 1, IN
THE CITY OF STOCKTON, COUNTY OF SAN JOAQUIN, STATE OF
CALIFORNIA, AS PER MAP RECORDED IN VOL. 19 OF MAPS AND
PLATS, PAGE 25, IN THE OFFICE OF THE COUNTY RECORDER OF
SAID COUNTY.

APN: 171-280-41

EXHIBIT B

PROPERTY DESCRIPTION
(451 W 9th Street, San Joaquin County, Stockton, California)

LOT FOUR (4) OF CRABB TRACT, ACCORDING TO THE OFFICIAL MAP
THEREOF FILED FOR THE RECORD OCTOBER 11, 1916 IN VOL. 8 OF
MAPS AND PLATS, PAGE 8, SAN JOAQUIN COUNTY RECORDS.

APN: 165-183-19